IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No: 5126 of 2005

Between:

V.Thaviti Raju, S/o.V.Sangamesam,
Deputy Executive Engineer, Irrigation Sub-Division,

Srikakulam.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, Rep. by its Principal Secretary, Irrigation and CAD (Ser.I) Department, A.P. Secretariat, Hyderabad.
2 The Engineer-in-Chief (AW) Irrigation and CAD
Erramanzil, Hyderabad.
3 The Superintending Engineer, Irrigation Circle, Bobbili
Vizianagaram, District.
4 The Executive Engineer Irrigation Division, Srikakulam, Srikakulam district.
5 D.Krishna Murthy S/o.Suryanarayana
O/o.Irrigation Sub Division, Srikakulam, Srikakulam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of a writ of Mandamus declaring the orders dt.11.3.2005 passed in O.A.No.463 of 2005 by Hon'ble A.P. Administrative Tribunal, Hyderabad as arbitrary and illegal and set aside the same and pass such other order or orders.

Counsel for the Petitioner: MR.S.SATYAM REDDY

Counsel for the Respondent Nos.1 to 4: GP FOR SERVICES II

Counsel for the Respondent No.5: MR.Y.S.VENKAT RAO (CAVEATOR)

The Court at the stage of admission made the following:

ORAL ORDER:- (PER GB,J.)

The Writ Petition is filed assailing the order, dated 11.03.2005, passed by the A.P. Administrative Tribunal in O.A.No.463 of 2005.

2. The 5th respondent in this Writ Petition is the applicant in O.A. He filed O.A. challenging the G.O.Rt.Nos.168 and 169, Irrigation & CAD (Ser.I) Department, dated 29.1.2005.

3. The Tribunal set aside the said Government Orders, dated 29.01.2005, observing as follows:

> "In this case the records does not show that the file has been processed through Chief Minister as contemplated under G.O.Ms.No.16 for effecting transfer during the ban on transfers. Therefore, the transfer order issued is contrary to the Government Order, as such, the same is set aside. This order does not any way preclude the authorities to pass fresh order of transfer in terms of the G.O.Ms.No.16, dt.25.01.2005. With this observation this O.A. disposed of. MA stands closed. There will be no order as to costs."

The said order came to be challenged before this Court.

4. Learned counsel for the petitioner submits that the order of the Tribunal is not sustainable inasmuch as G.O.Ms.No.16 is only followed in his case and it was not followed in any other case, and therefore, the order of the Tribunal is liable to be set aside.

5. We are afraid we cannot accept the contention raised by the learned counsel for the petitioner inasmuch as of G.O.Ms.No.16.

6. It is incumbent on the part of the authorities to have the approval of the said departments as mentioned in G.O.Ms.No.16. Thus, we do not find any flaw in the order of the Tribunal.

7. Accordingly, the Writ Petition is dismissed. No costs.

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G. BIKSHAPATHY, J

P.S. NARAYANA, J

Date: 23.03.2005

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To

1 The Principal Secretary, Government of Andhra Pradesh, Irrigation and CAD (Ser.I) Department, A.P. Secretariat, Hyderabad.
2 The Engineer-in-Chief (AW) Irrigation and CAD
Erramanzil, Hyderabad.
3 The Superintending Engineer, Irrigation Circle, Bobbili
Vizianagaram, District.
4 The Executive Engineer Irrigation Division, Srikakulam, Srikakulam district.
5 2 CCs to the G.P. for Services-II, High Court of A.P., Hyderabad (OUT)

6 2 CD copies

7 1 CC to MR.SATYAM REDDY